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| 10/010,719      | 11/08/2001  | Weidong Mao          | TVW/APP32US         | 2723             |

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EXAMINER

JONES III, CLYDE H

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                   |  |
|------------------------------|---------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/010,719  | <b>Applicant(s)</b><br>MAO ET AL. |  |
|                              | <b>Examiner</b><br>Clyde H. Jones III | <b>Art Unit</b><br>2623           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 11, 13, 14, 18-24 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 13, 14, 18-24, and 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-5, 11, 13, 14, 18-24, and 31-42 on pages 13-16 in the 3/20/2006 Remarks have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 38 is objected to because of the following informalities: Claim 38 depends on claim 38, which appears to be a typo. Change claim 38's dependence to claim 37. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 11, 13, 14, 18-24, and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Burkhardt (US 2002/0006116 A1).

Regarding claims 1, 18, 19, 31 Burkhart teaches in a system providing VOD services via any of a plurality of incompatible VOD systems (par. 24, lines 1-6; par. 26, lines 3-7; par. 30, lines 1-5; par. 32, lines 26-30; par. 34; fig. 4), a VOD gateway (content origination subsystem 200 and backhaul subsystem 100 – fig. 1) method comprising:

transmitting to each of the plurality of incompatible VOD systems a respective compatible request for a list of available VOD assets (par. 22, lines 4-12; par. 23, lines 7-10; par. 29, lines 6-8; par. 30; par. 32, lines 6-14; par. 37; in which the system 200/100 specifies, request the type/format of content to be submitted according to meta-data templates);

receiving from each VOD system a list of respective available VOD assets (par. 29, lines 6-8; par. 22, lines 4-10; par. 23, line 10; fig. 5; in which a content guide or list of available/submitted content is received by 200/100 from each content submitter); and

aggregating the received lists of available VOD assets to form a combined list of available VOD assets (par. 22, lines 10-12; par. 29; par. 32, lines 19-42; col. 35, lines 1-3 & 25-27; step 703 – fig. 2) , the combined list of available VOD assets being adapted to be compatible with a plurality of receiver stations (step 704 – fig. 2; par. 32, lines 17-30; par. 34.

Regarding claims 2 and 11, Burkhart teaches in response to a request from a receiver station for a VOD asset (par. 35, lines 4-7), performing the steps of:

identifying which VOD system is associated with the requested VOD asset (par. 35, lines 1-9 & 25-29);

transmitting to the identified VOD system, a compatible request (content request meta-data - fig. 7) for the VOD asset (par. 37, lines 1-4; par. 32, lines 1-14 & par. 32, lines 28-37; par. 24);

receiving the requested VOD asset from the identified VOD system (par. 30; par. 35, lines 25-29; steps 701, 704 – fig. 2);

adapting the received VOD asset to be compatible with the requesting receiver station (par. 30, lines 1-13; par. 32, lines 39-60); and

transacting (recording events for billing, usage history, inter alia) for the requested VOD asset with the requesting receiver station and the identified VOD system (par. 32, lines 50-58; par. 32, lines 28-36; par. 25).

Regarding claims 3 and 14, 21-24, 33-36, Burkhardt teaches the requested VOD asset comprises one or more of a video program (1005 – fig. 5), an audio program (1005 – fig. 5), a graphic program (1005 – fig. 5) and a text program (program guide information or meta-data) (par. 29-31; par. 32, lines 19-21).

Regarding claims 4 and 13, 20, 32 Burkhardt teaches each of the incompatible VOD systems includes an asset management system for managing respective VOD assets (par. 26, lines 1-22; par. 30; par. 32, lines 12-15; par. 34; par. 35, lines 50-53; fig. 4) and a business management system for managing respective VOD assets (par. 26,

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lines 1-22; par. 32, lines 12-15, 50-57; par. 34; par. 39) and a business management system for managing transactions (par. 25; par. 32, lines 12-14; par. 35; fig. 4), (par. 7-10) the method further comprising:

communicating with each VOD asset management system using an asset gateway (communication links to the content origination system/backhaul subsystem 100/102) (902 – fig. 4; par. 22-23) and

communicating with each VOD business management system using a transaction gateway (billing/business transaction communication link to 200) (par. 25; par. 32, lines 12-17; par. 35; fig. 4).

Regarding claim 5, Burkhart teaches a desired asset is provided to a receiver station using one or both of digital storage media command and control (caching; par. 24, lines 1-6; par. 12, lines 9-14; par. 32, lines 28-30; step 704 – fig. 2) or real time streaming protocol (on-demand/immediate streaming; par. 24, lines 1-6; par. 27; par. 30, lines 1-5; 1005 – fig. 5; par. 32, lines 44-45).

Regarding claim 37, it is rejected similar to claims 1-4 as discussed above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhart (US 2002/0006116 A1) in view of Bowman-Amuah (US 6,434,568 B1).

Regarding claim 38, which the examiner believes the applicant intends it to depend on claim 37, Burkhart teaches the asset gateway 100 communicating with the transaction gateway 200 – fig. 1 (par. 22, lines 9-12; par. 24; par. 25; par. 30; par. 32, lines 28-60);

an asset data manager (reads on the software inherently managing content/asset aggregation/management in the backhaul system 100) adapted to communicate with each asset management system (reads on the asset managements systems of content contributors/VOD provider and/or the asset management systems of the aggregation system, e.g., program guide systems, billing systems, conditional access systems, etc.) via a respective interface program (Burkhart inherently discloses a respective interface program between the systems in order to provide the distributed client/server architecture as disclosed) (par. 23, lines 16-26; par. 32, lines 33-41 & lines 50-54; par. 35, lines 4-7);

Burkhart further teaches stand-alone and proprietary systems are upgraded/integrated (i.e., enabled to interface) into the interlinked Internet/Satellite VOD system of fig.1 (par. 34, par. 28) using various standards/protocols, e.g., IETF, W3C,

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etc. (par. 27), however, fails to specifically disclose a transaction servlet and interfacing via an API.

In an analogous art, Bowman-Amuah teaches it is desirable to use a transaction servlet (e.g., Java applet, ActiveX, etc.; col. 15, lines 42-57; col. 52, lines 59-63; col. 63, lines 57-60; par. 73, lines 18-35) and an API (col. 52, lines 49-63; col. 70, lines 65-col. 71, line 16; col. 76, lines 38-41; col. 106, lines 35-41; par. 24, lines 8-11; fig. 77, 80, 81; col. 227, lines 6-11) for enabling the integration of disparate software, platforms and protocols onto one comprehensive framework (col. 20, line 63-67; col. 52, lines 49-56; col. 77, lines 30-35; col. 224, lines 18-33 & col. 224, line 56-col. 225, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Burkhart to include a transaction servlet and interfacing via an API as taught by Bowman-Amuah for the added advantages of providing a more secure, architecture-neutral, platform independent, portable, flexible and easier to develop system (Bowman-Amuah – col. 52, lines 52-56; col. 15, lines 50-57) and broader functionality (Burkhart – par. 34).

Regarding claim 39, Burkhart teaches each VOD system has associated with it a business management system, and wherein:

the transaction gateway communicating with each BMS via a respective BMS program, the BMS program communicating with the transaction gateway as discussed in claim 4 above. Burkhart fails to disclose APIs however, it would have been obvious



to modify Burkhart to include APIs as taught by Bowman-Amuah for the same advantages as discussed in claim 38 above.

Regarding claim 40, Burkhart in view of Bowman-Amuah teach a database to store one or both of client state information (Burkhart – par. 24, 29; par. 32, lines 1-11; par. 35, lines 51-55) and client transaction information (Burkhart – par. 25, 29; par. 32, lines 12-60; par. 35, lines 1-7).

Regarding claim 41, Burkhart teaches each VOD system has associated with it VOD manager (par. 22, lines 4-6; par. 30), the VOD gateway further comprising:

a session (communication) gateway (100, 200) communicating with each VOD manger via a respective session interface program, the session interface programs communicating with the session gateway via session interface (Burkhart inherently discloses a respective interface program between the systems in order to provide the distributed client/server architecture as disclosed) (par. 23, lines 16-26; par. 32, lines 33-41 & lines 50-54; par. 35, lines 4-7). Burkhart fails to disclose APIs however, it would have been obvious to modify Burkhart to include APIs as taught by Bowman-Amuah for the same advantages as discussed in claim 38 above.

Regarding claim 42, Burkhart in view of Bowman-Amuah teach each VOD manager determines VOD channel parameters (e.g., bandwidth availability on

communication links, i.e., channels) associated with a subscriber request (par. 30, par. 32, lines 1-21; 1005, 1008, 1009, 1012 -fig. 7; par. 27), wherein:

The session gateway communicating VOD channel parameters toward subscriber equipment using one or both of Session Resource Management (par. 30; fig. 7; par. 32, lines 7-15) and Session Set Up Protocol (par. 27; par. 30, par. 32, lines 33-45).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***Note to Applicant***

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ

  
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